

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):

Donald H. Cram, III (SBN 160004)
 SEVERSON & WERSON, P.C.
 One Embarcadero Center, Suite 2600

FOR COURT USE ONLY

San Francisco, CA 94111

TELEPHONE NO.: (415) 398-3344 FAX NO. (Optional): (415) 956-0439

E-MAIL ADDRESS (Optional): dhc@severson.com

ATTORNEY FOR (Name): Ford Motor Credit Company, LLC

U.S. District Court, Northern District of California

STREET ADDRESS: 280 S. First Street

MAILING ADDRESS:

CITY AND ZIP CODE: San Jose, CA 95113

BRANCH NAME: San Jose Division

PLAINTIFF: Ford Motor Credit Company, LLC

DEFENDANT: Lewis Family Enterprises, Inc., dba Bob Lewis Lincoln Mercury, and Steven Robert Lewis

APPLICATION FOR WRIT OF POSSESSION AFTER HEARING
 EX PARTE AND FOR TEMPORARY RESTRAINING ORDER

CASE NUMBER:

C 07-03301 RS

1. Plaintiff* has filed a complaint and makes claim for delivery of property in the possession of the defendant named in b.
 - a. Plaintiff (name): Ford Motor Credit Company, LLC
 - b. Defendant (name): Lewis Family Enterprises, Inc., dba Bob Lewis Lincoln Mercury, and Steven Robert Lewis
2. Plaintiff applies for (check all that apply):
 - a. Writ of possession after hearing (Code Civ. Proc., (C.C.P.), § 512.010).
 - b. Ex parte writ of possession (C.C.P., § 512.020). (File Declaration for Ex Parte Writ of Possession, form CD-180.)
 - c. Temporary restraining order (C.C.P., § 513.010). (File Application for Temporary Restraining Order, form CD-190.)
3. The basis of the plaintiff's claim and right to possession of the claimed property is specified in a written document, a copy of which is attached. the verified complaint. the attached declaration. the following facts (specify): Ford Motor Credit Company, LLC ("Ford Credit") has a perfected security interest in all personal property of Lewis Family Enterprises, Inc. ("Bob Lewis LM"), an automobile dealer. Bob Lewis LM has sold vehicles for which it has not repaid Ford Credit the amounts advanced to acquire the vehicles, creating an SOT situation in the amount of \$497,754.70. Bob Lewis LM has otherwise defaulted on its loan obligations owing to Ford Credit and Ford Credit seeks to repossess its Collateral
4. Claimed property (Describe, state value, and further identify any property that is a farm product (Code Civ. Proc., § 511.040) or inventory held for sale or lease (Code Civ. Proc., § 511.050)): All of the property described at paragraphs 26-27 of the Declaration of Phil Ward and the motor vehicles described in Exhibit F attached thereto.

Continued on Attachment 4.

* "Plaintiff" includes cross-complainant, "defendant" includes cross-defendant, and "complaint" includes cross-complaint.

Page 1 of 2

PLAINTIFF: Ford Motor Credit Company, LLC	CASE NUMBER:
DEFENDANT: Lewis Family Enterprises, Inc., dba Bob Lewis Lincoln Mercury, and Steven Robert Lewis	C 07-03301 RS

5. A showing that the claimed property is wrongfully detained by defendant, of how the defendant came into possession of the claimed property, and, according to Plaintiff's best knowledge, information, and belief, of the reason for the defendant's detention of the claimed property, is made in the verified complaint. in the attached declaration. as follows (specify):

Bob Lewis LM has sold and will continue to sell vehicles, which are part of Ford Credit's collateral, without paying Ford Credit the amounts it advanced for Bob Lewis LM to acquire the vehicles. Bob Lewis LM has already sold over \$497,000 in vehicles for which it has not repaid Ford Credit. Bob Lewis LM refuses to surrender the Collateral that is subject to Ford Credit's security interest. Bob Lewis LM is in breach of its loan agreements which entitles Ford Credit to an Order for Writ of Possession.

6. To Plaintiff's best knowledge, information, and belief the claimed property or some part of it is located as stated in the verified complaint. in the attached declaration. as follows (specify):

(Include in this statement whether any part of the claimed property is within a private place that may have to be entered to take possession. If so, complete item 7.) Lewis Family Enterprises, Inc., dba Bob Lewis Lincoln Mercury 911 Capitol Expressway Auto Mall, San Jose, CA 95136

7. Facts showing probable cause for belief that the claimed property or some part of it is located in the private place referred to in item 6 are specified in the verified complaint. in the attached declaration. as follows:

Lewis Family Enterprises, Inc., dba Bob Lewis Lincoln Mercury has its principal place of business located at 911 Capitol Expressway Auto Mall, San Jose, CA 95136

8. The claimed property has not been taken for a tax, assessment, or fine, pursuant to statute, and (check one):

a. has not been seized under an execution against the plaintiff's property.
 b. has been seized under an execution against the plaintiff's property, but is exempt from such seizure under (code section):

9. This action is subject to the Unruh Retail Installment Sales Act (Civ. Code, §§ 1801-1812.10);
 Rees-Levering Motor Vehicle Sales and Finance Act (Civ. Code, §§ 2981-2984.4).
 Facts showing that this is the proper court are specified in the verified complaint. attached declaration.

10. Total number of pages attached: _____

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: June 26, 2007

Donald H. Cram, III
 (TYPE OR PRINT NAME)


 (PLAINTIFF'S SIGNATURE)